

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRANKLIN SMITH,

Plaintiff,

No. 07-14034

v.

Hon. John Corbett O'Meara

AARON SHEWSBURY, *et al.*,

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

On September 25, 2007, Plaintiff filed a complaint setting forth the following counts:

Count I, false arrest/imprisonment; Count II, malicious prosecution; Count III, intentional infliction of emotional distress; Count IV, gross negligence; Count V, violation of 42 U.S.C. § 1983 (unreasonable search and seizure); Count VI, violation of 42 U.S.C. § 1983 (malicious prosecution); Count VII, violation of 42 U.S.C. § 1983 (due process); Count VIII, violation of 42 U.S.C. § 1983 (municipal liability); and Count IX, slander per se.

While alleged violations of 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts I, II, III, IV, and IX of Plaintiff's complaint are **DISMISSED**.

s/John Corbett O'Meara  
United States District Judge

Date: October 12, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 12, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager